

MICHAEL A. LAURENSEN (SBN: 190023)
GORDON & REES LLP
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 986-5900
Facsimile: (415) 986-8054

Attorney for Defendants
REGENTS OF THE UNIVERSITY OF
CALIFORNIA and SUSAN WILLATS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FELIX TORRES, JR.,

Plaintiff,

vs.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA; UCSC ADA COMPLIANCE
OFFICER SUSAN WILLATS, individually and in
official capacity; and DOES 1-10, Inclusive,
Defendants.

CASE NO. C08-00857 JW

**DEFENDANTS' ANSWER TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT/JURY RESERVED**

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

Defendants REGENTS OF THE UNIVERSITY OF CALIFORNIA and SUSAN
WILLATS, by and through their counsel, answer Plaintiff Felix Torres, Jr.'s First Amended
Complaint as follows:

1. Defendants admit that Plaintiff purports to bring this action under the Americans
with Disabilities Act ("ADA"). There are no other factual allegations in this paragraph to admit
or deny.

2. Defendants admit that jurisdiction is proper but deny that they have violated the
ADA..

3. Defendants admit that venue is proper.

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 4. Defendants have insufficient information to admit or deny the allegations in this
2 paragraph and on that basis deny them.

3 5. Defendants have insufficient information to admit or deny the allegations in this
4 paragraph and on that basis deny them.

5 6. Defendants admit the allegations in this paragraph.

6 7. Defendants admit that defendant SUSAN WILLATS is UCSC's ADA
7 Compliance Office and is one of the individuals involved in reviewing requests for reasonable
8 accommodations. Except as expressly admitted, defendants deny the allegations in the
9 paragraph.

10 8. Defendants admit that at the time of this incident UCSC Campus Code 55 was in
11 effect and further admit the allegations of this paragraph only to the extent they accurately repeat
12 the provisions of that code section. Defendants have insufficient information to admit or deny
13 the allegation that at the time of this incident UCSC was the only UC campus that to have such a
14 policy and on that basis deny that allegation. Defendants deny all other allegations in the
15 paragraph.

16 9. Defendants have insufficient information to admit or deny the allegations in this
17 paragraph and on that basis deny them.

18 10. Defendants have insufficient information to admit or deny the allegations in this
19 paragraph and on that basis deny them.

20 11. Defendants have insufficient information to admit or deny the allegations in this
21 paragraph and on that basis deny them.

22 12. Defendants admit that UCSC Police Officer Gary McConnel cited plaintiff for a
23 violation of UCSC Campus Code 55. Defendants have insufficient information to admit or deny
24 the remaining allegations in this paragraph and on that basis deny them.

25 13. Defendants admit that Plaintiff contended that he had permission to have Cookie
26 on campus. Defendants have insufficient information to admit or deny the remaining allegations
27 in this paragraph and on that basis deny them.

28

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111

14. Defendants have insufficient information to admit or deny the allegations in this paragraph and on that basis deny them.

15. Defendants have insufficient information to admit or deny the allegations in this paragraph and on that basis deny them.

16. Defendants have insufficient information to admit or deny the allegations in this paragraph and on that basis deny them.

17. Defendants have insufficient information to admit or deny the allegations in this paragraph and on that basis deny them.

18. Defendants have insufficient information to admit or deny the allegations in this paragraph and on that basis deny them.

19. Defendants have insufficient information to admit or deny the allegations in this paragraph and on that basis deny them.

20. Defendants have insufficient information to admit or deny the allegations in this paragraph and on that basis deny them.

CAUSE OF ACTION RE ADA RIGHTS

21. Defendants refer to and incorporate by reference their answer to paragraphs 1-20 above.

22. Defendants deny the allegations in this paragraph.

23. Defendants have insufficient information to admit or deny the allegations in this paragraph and on that basis deny them.

24. Defendants admit that the ADA covers who it covers and requires what it requires and otherwise deny the allegations in the paragraph.

25. Defendants deny the allegations in this paragraph.

27.[sic] Defendants deny the allegations in this paragraph.

/ / /

/ / /

/ / /

/ / /

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Defendants allege that said complaint and each of the purported causes of action or claims for relief set forth therein fail to state facts sufficient to constitute a cause of action against these answering defendants.

SECOND AFFIRMATIVE DEFENSE

Defendants allege that by reason of his own actions, Plaintiff is estopped from proceeding with this claim.

RESERVATION OF ADDITIONAL DEFENSES

Defendants reserve the right to allege other affirmative defenses as they may arise during the course of discovery. Defendants further assert that they are entitled to various privileges, immunities, and affirmative defenses as the same are set forth in the case law and statutes of the State of California. The full nature and extent of such privileges, immunities and affirmative defenses applicable hereto are presently unknown to these answering defendants and therefore, defendants reserve the right to amend this answer when the same have become fully ascertained.

WHEREFORE, Defendants pray for judgment as follows:

1. That this action be dismissed in its entirety, with prejudice;
2. That judgment be entered in favor of Defendants and against Plaintiff;
3. That Defendants be awarded their costs of suit and attorneys' fees incurred herein;
4. For such and other further relief as this Court may deem just and proper.

JURY TRIAL RESERVATION

Defendants hereby reserve their right to a jury trial.

Dated: April 28, 2008

GORDON & REES LLP

By: 

MICHAEL A. LAURENSEN
Attorneys for Defendants
REGENTS OF THE UNIVERSITY OF
CALIFORNIA and SUSAN WILLATS

Gordon & Rees LLP
275 Battery Street, Suite 2000
San Francisco, CA 94111